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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Docket No: Q79454

Hideo MIYAKE, *et al.*

U.S. Patent No. 6,340,551

Issued: January 22, 2002

Reissue Appln. No.: 10/761,099

Group Art Unit: 1752

Confirmation No.: 2438

Examiner: Richard L. SCHILLING

Filed: January 21, 2004

For: POSITIVE TYPE PHOTSENSITIVE IMAGE-FORMING MATERIAL FOR USE
WITH AN INFRARED LASER

INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

07/27/2006 SDENR001 00000032 10761099
02 FC:1253 1020.00 OP

Sir:

07/27/2006 SDENR001 00000032 10761099

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby
notify the U.S. Patent and Trademark Office of the documents listed on the attached PTO/SB/08
A & B (modified) form, which the examiner may deem material to patentability of the claims of
the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following:
U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications
filed after June 30, 2003.

The present Information Disclosure Statement is being filed (without a Statement Under
37 C.F.R. § 1.97(e)) after the later of three months from the application's filing date and the
mailing date of the first Office Action on the merits, but before a final Office Action, Notice of
Allowance, or an action that otherwise closes prosecution in the application (whichever is
earlier), and therefore a check for the fee of \$180.00 under 37 C.F.R. § 1.17(p) is attached.

Best Available Copy

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/761,099

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants are submitting English-language abstracts.

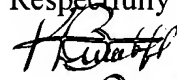
In addition, Applicants provide the following summary of the references being submitted.


The references listed on the accompanying SB08 forms include: (1) the patents referenced in the concurrently submitted Suggestion of Interference; (2) the references cited during the prosecution of each of the patents (1); and (3) other references of which Applicants have become aware since the issuance of U.S. Patent No. 6,340,551.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 26, 2006

Substitute for Form 1449 A & B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/761,099
Confirmation Number	2438
Filing Date	January 21, 2000
First Named Inventor	Hideo MIYAKE
Art Unit	1752
Examiner Name	SCHILLING, Richard L.
Attorney Docket Number	Q79454

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		3,188,210		06-08-1965	Fritz et al.
		3,645,733		02-29-1972	Brinckman et al.
		4,132,168		01-02-1979	Peterson
		4,163,097		07-31-1979	Baumann et al.
		4,308,368		12-29-1981	Kubo et al.
		4,665,124		05-12-1987	Walls et al.
		4,687,727		08-18-1987	Toyama et al.
		4,731,317		03-15-1988	Fromson et al.
		4,756,993		07-12-1988	Kitatani et al.
		4,973,572		11-27-1990	DeBoer
		5,110,709		05-05-1992	Aoi et al.
		5,112,743		05-12-1992	Kamiya et al.
		5,141,838		08-25-1992	Aoshima et al.
		5,145,763		09-08-1992	Bassett et al.
		5,202,221		04-13-1993	Imai et al.
		5,340,699		08-23-1994	Haley et al.
		5,346,975		09-13-1994	Aoshima et al.
		5,364,738		11-15-1994	Kondo et al.
		5,493,971		02-27-1996	Lewis et al.
		5,529,891		06-25-1996	Wang et al.
		5,536,619		07-16-1996	Verburgh
		5,569,573		10-29-1996	Takahashi et al.
		5,607,814		03-04-1997	Fan et al.
		5,609,993		03-11-1997	Hase et al.
		5,637,428		06-10-1997	Horie et al.
		5,641,608		06-24-1997	Grunwald et al.
		5,658,708		08-19-1997	Kondo
		5,691,114		11-25-1997	Burberry et al.
		5,698,366		12-16-1997	Tutt et al.
		5,700,619		12-23-1997	Baumann et al.
		5,705,308		01-06-1998	West et al.
		5,705,322		01-06-1998	West et al.
		5,707,777		01-13-1998	Aoi et al.
		5,731,123		03-24-1998	Kawamura et al.
		5,731,127		03-24-1998	Ishizuka et al.
		5,840,467		11-24-1998	Kitatani et al.
		5,858,604		01-12-1999	Takeda et al.
		5,858,626		01-12-1999	Sheriff et al.
		5,919,600		07-06-1999	Huang et al.
		5,922,502		07-13-1999	Damme et al.
		6,004,728		12-21-1999	Deroover et al.

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.

Substitute for Form 1449 A & B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			<i>Complete if Known</i>		
			Application Number	10/761,099	
			Confirmation Number	2438	
			Filing Date	January 21, 2004	
			First Named Inventor	Hideo MIYAKE	
			Art Unit	1752	
			Examiner Name	SCHILLING, Richard L.	
Sheet	2	of	3	Attorney Docket Number	Q79454

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		6,022,667		02-08-2000	Vermeersch et al.
		6,060,217		05-09-2000	Nguyen et al.
		6,060,222		05-09-2000	West et al.
		6,066,434		05-23-2000	Blanchet-Fincher et al.
		6,074,802		06-13-2000	Murata et al.
		6,083,662		07-04-2000	Miller et al.
		6,083,663		07-04-2000	Vermeersch et al.
		6,090,532		07-18-2000	West et al.
		6,096,481		08-01-2000	Vermeersch et al.
		6,117,613		09-12-2000	Kawauchi et al.
		6,130,026		10-10-2000	Bennett et al.
		6,132,929		10-17-2000	Nakamura et al.
		6,143,464		11-07-2000	Kawauchi
		6,153,353		11-28-2000	Van Damme et al.
		6,165,677		12-26-2000	Yako
		6,182,570		02-06-2001	Rorke et al.
		6,186,067		02-13-2001	Rorke et al.
		6,192,798		02-27-2001	Rorke et al.
		6,200,727		03-13-2001	Urano et al.
		6,251,559		06-26-2001	Huang et al.
		6,280,899		08-28-2001	Parsons et al.
		6,294,311		09-25-2001	Shimazu et al.
		6,352,811		03-05-2002	Patel et al.
		6,352,812		03-05-2002	Shimazu et al.
		6,358,669		03-19-2002	Savariar-Hauck et al.
		6,534,238		03-18-2003	Savariar-Hauck et al.
		6,573,022		06-03-2003	Miyake et al.

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		DE	2626769		01-13-1977	Baumann et al.	No, with English abstract
		DE	4231324		04-01-1993	Aoshima et al.	No, with English abstract
		EP	0368327		05-16-1990	Imai	English

Examiner Signature		Date Considered	
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		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		EP	0535653		04-07-1993	Aoi	English
		EP	0678380		10-25-1995	Lewis	English
		EP	0784233		07-16-1997	Nagasaka et al.	English
		EP	0794055		09-10-1997	Yokoya et al.	English
		EP	0823327		02-11-1998	Nagasaka et al.	English
		EP	0864419		09-16-1998	Vermeersch et al.	English
		EP	0864420		09-16-1998	Van Damme et al.	English
		EP	0901902		03-17-1999	Ikuo et al.	English
		EP	0908779		04-14-1999	Vermeersch et al.	English
		EP	0909657		04-21-1999	Miyake et al.	English
		EP	0919868		06-02-1999	Nakamura et al.	English
		EP	0940266		09-08-1999	Van Damme et al.	English
		EP	0943451		09-22-1999	Van Damme et al.	English
		GB	1245924		09-15-1971	Brinckman	English
		GB	1488350		10-12-1977		English
		GB	1546633		05-13-1979	Engbrecht et al.	English
		JP	02-866		01-05-1990		No, with English abstract
		JP	7-285275		10-31-1995		No, with English abstract
		JP	5-94017		04-16-1993		No, with English abstract
		JP	09034110		02-07-1997		No, with English abstract
		JP	63-270087		11-08-1988	Aoshima et al.	No, with English abstract
		WO	97/39894		10-30-1997	Parsons	English
		WO	99/21715		05-06-1999	McCullough et al.	English
		WO	99/11458		03-11-1999	Nguyen et al.	English
		WO	97/07986		03-06-1997	Bennett et al.	English

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		KOSAR, <i>Light-sensitive Systems</i> , John Wiley & Sons 1965, pp. 339-352	
		SHIH et al., <i>Macromolecules</i> , Vol. 27, No. 12, 1994, pp. 3330-3336	

Examiner Signature		Date Considered	
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For: POSITIVE TYPE PHOTOSENSITIVE IMAGE-FORMING MATERIAL FOR USE
WITH AN INFRARED LASER

NOTICE OF INTERFERING SUBJECT MATTER

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In the transmittal letter accompanying the present reissue application, filed on January 21, 2004, the Applicants stated that "Additional documents necessary to complete the application will be filed in the future, including a Statement under 37 C.F.R. §1.607(c)." Former Rule 1.607(c) required an applicant who presents a claim which corresponds exactly or substantially to a claim of a patent to identify the patent and the number of the patent claim. This requirement was removed from the interference rules when the current rules were issued on August 12, 2004 (69 Fed. Reg. 49960).

Although the Applicants thus indicated that claims presented in the reissue application may correspond substantially to the claims of a patent, applicants inadvertently failed to file a Statement under 37 C.F.R. §1.607(c) prior to repeal of that rule. Under the current interference rules, an interference will not be declared until examination of the pending claims is completed. (37 C.F.R. §41.102). Because

NOTICE OF INTERFERING SUBJECT MATTER
Reissue Appln. No.: 10/761,099

examination of all of the pending claims is not completed, Applicants respectfully submit that the present notice complies with any requirement that remains after the repeal of §1.607(c).

Applicants consider that at least some of claims 1-7, 11-20, 49-81, 85-87, 92-97, and 99-128 may correspond to one or more claims of U.S. Patent 6,534,238 and may correspond to one or more claims of U.S. Patent 6,358,669. Present Claims 8-10 and 21-48 require the presence in layer (A) of a material which substantially lowers the solubility of the aqueous alkali-soluble copolymer present in layer (A). For this reason, present Claims 8-10 and 21-48 are considered not to correspond to any claim of U.S. Patent 6,534,238 or U.S. Patent 6,358,669, which require that the underlayer is soluble in aqueous alkaline developer or comprises a negative working, base soluble photosensitive composition ('238 Claims 34-38).¹

Applicants note that the '238 and '669 patent claims recite that the top layer is insoluble in aqueous alkaline developer, but also require that the top layer comprises at least one solubility-suppressing component (*e.g.*, '238 Claim 1, '669 Claim 3). Dependent claims of the '238 and '669 patents specify that the top layer comprises a second polymeric material that includes a novolak resin functionalized with polar groups (*e.g.*, '238 Claim 15, '669 Claim 16)

¹ Applicants also bring to the Examiner's attention U.S. Patent 6,352,811, which is the parent of U.S. Patent 6,358,669, and U.S. Patent 6,352,812, which is the parent of U.S. Patent 6,352,811. See concurrently filed Information Disclosure Statement. Each of the '238, '669, and '811 patents issued from a continuation-in-part application. The disclosure of the '669 patent differs from the disclosure of the '811 patent in a number of significant respects, and particularly, with respect to the composition of the upper layer. The '811 and '812 patents require that the second layer is insoluble in an aqueous solution. Exemplified polymers are insoluble in an aqueous solution having a pH of about 6 or greater (*e.g.*, col. 9, lines 36-52). Each of Claims 1-81, 85-87, 92-97, 99, 104-109, and 111-126 of the present application requires that layer (B) contains not less than 50% by weight of an aqueous alkali solution soluble resin having a phenolic hydroxyl group, which may be a novolak resin (*e.g.*, Claims 13, 40-41, 86-87, 97). Claims 100-103 and 110 require that layer (B) contains not less than 50% by weight of a novolak resin. Because all of the claims of the present application require that layer (B) contain an aqueous alkali solution soluble resin, Applicants consider that none of the present claims interferes with any claim of the '811 or '812 patents.

NOTICE OF INTERFERING SUBJECT MATTER
Reissue Appln. No.: 10/761,099

and a dissolution inhibitor compound (e.g., '238 Claim 16, '669 Claim 17). The dissolution inhibitor compound includes a triarylmethane dye and an ammonium compound (e.g., '238 Claim 42, '669 Claim 18). The '238 and '669 patents thus claim a thermally imageable element having a top layer that corresponds to layer (B) of the present application, containing an aqueous alkali solution-soluble resin and a dissolution inhibiting dye, which includes a cyanine dye and a coloring dye.

Applicants reserve the right to suggest an interference with the '238 and '669 patents pursuant to 37 C.F.R. § 41.202(a) at an appropriate time.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Mark Boland Kenneth Burchfiel
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